

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

ZTE CORPORATION, ZTE (USA) INC.,
AT&T INC., AT&T MOBILITY LLC,
VERIZON COMMUNICATIONS INC.,
CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, SPRINT CORPORATION,
SPRINT SOLUTIONS, INC.,
SPRINT SPECTRUM L.P.,
BOOST MOBILE, LLC,
T-MOBILE USA, INC., and
T-MOBILE US, INC.,

Defendants.

CIVIL ACTION NO. 3:17-cv-2805-K

JURY TRIAL DEMANDED

**JOINT STIPULATION OF DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT AT&T INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants AT&T Inc. and AT&T Mobility LLC submit the following Stipulation of Dismissal Without Prejudice as to Defendant AT&T Inc. and in support thereof state:

1. On October 12, 2017, Plaintiff CCE filed suit against AT&T Inc. (“AT&T Inc.”), AT&T Mobility LLC (“AT&T Mobility”), and others for infringement of U.S. Patent No. 8,254,872, U.S. Patent No. 8,902,770, and U.S. Patent No. 8,645,786.
2. AT&T Inc. represents and warrants that:
 - a. AT&T Inc. is a holding company that has officers and a board of directors, but no employees, sales representatives, or distributors. Furthermore, AT&T Inc.

does not instruct, direct, or control the activities of its subsidiaries (or any other entity) relevant to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.

- b. AT&T Inc. and AT&T Mobility agree that for purposes of discovery in this case, documents and information in the possession, custody or control of AT&T Inc. or any of its subsidiaries are deemed also to be in the possession, custody and control of AT&T Mobility. AT&T Mobility will not object to a request for deposition on the grounds that the prospective deponent is an employee of AT&T Inc. or any of its subsidiaries (though nothing in this stipulation prevents AT&T Mobility from objecting to a deposition on other grounds).
 - c. AT&T Mobility is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, AT&T Mobility or any assignee of AT&T Mobility is able to satisfy any judgment against it in this case. AT&T Inc. and AT&T Mobility each warrant and represent that they will not take any action that will cause AT&T Mobility to be unable to fully satisfy any judgment entered in this case.
3. CCE expressly does not stipulate or agree to any of the foregoing facts, and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.
 4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss AT&T Inc. without prejudice as allowed under Rule

41(a)(2) of the Federal Rules of Civil Procedure.

5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in- suit.

All other rights have been expressly reserved.

Accordingly, CCE and AT&T Inc. request that the Court enter the attached order dismissing AT&T Inc. without prejudice.

Dated: December 18, 2017

<u>/s/ Edward R. Nelson III</u> Edward R. Nelson III ed@nelbum.com Texas State Bar No. 00797142 Ryan P. Griffin ryan@nelbum.com Texas State Bar No. 24053687 Thomas C. Cecil tom@nelbum.com Texas State Bar No. 24069489 NELSON BUMGARDNER PC 3131 West 7 th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485 ATTORNEYS FOR CELLULAR COMMUNICATIONS EQUIPMENT LLC	<u>/s/ Nicole S. Cunningham</u> Nicole S. Cunningham (<i>pro hac vice</i> to be filed) CA State Bar No. 234390 Steve A. Moore (<i>pro hac vice</i> to be filed) CA State Bar No. 232114 PILLSBURY WINTHROP SHAW PITTMAN LLP 501 West Broadway, Suite 1100 San Diego, California 92101 (619) 544-3119 (619) 236-1995 (fax) Nicole.Cunningham@PillsburyLaw.com Steve.Moore@PillsburyLaw.com ATTORNEYS FOR DEFENDANTS AT&T INC. AND AT&T MOBILITY LLC
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 18th day of December, 2017. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson III